

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of SAN  
DIEGO GAS & ELECTRIC COMPANY  
(U902E) for a Permit to Construct the  
South Bay Substation Relocation Project.

Application 10-06-007  
(Filed June 16, 2010)

**DECISION APPROVING MODIFICATIONS TO  
THE PERMIT TO CONSTRUCT  
THE SOUTH BAY SUBSTATION RELOCATION PROJECT**

**Summary**

This decision modifies Decision 13-10-025 to authorize San Diego Gas & Electric Company to construct the South Bay Substation Relocation Project, modified to comply with Special Condition 14 of the California Coastal Commission Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes.

**1. Procedural Background**

Decision (D.) 13-10-025, dated October 17, 2013, granted San Diego Gas & Electric Company (SDG&E) a permit to construct the South Bay Substation Relocation Project, constructed as proposed with mitigation identified in the Mitigation Monitoring Plan presented in the environmental impact report (EIR) prepared for the project. On May 19, the California Coastal Commission issued Coastal Development Permit No. E-11-010 permitting the project subject to, among other things, Special Condition 14, which requires the removal of two existing steel lattice towers and associated overhead facilities and

undergrounding approximately 1,000 feet of 138 kilovolt (kV) double-circuit duct package within the existing 138 kV overhead alignment. On July 31, 2014, SDG&E, the City of Chula Vista, San Diego Unified Port District, and Inland Industries Group, L.P. jointly petitioned to modify D.13-10-25 to authorize SDG&E to undertake the additional construction activities required by Special Condition 14. On October 15, 2014, the joint petitioners filed an amended petition revising SDG&E's original estimate of the total water usage that will be needed throughout project construction, including the additional undergrounding required by Special Condition 14, from the 2.4 million gallons estimated in the EIR to 20 million gallons to fully address dust control and to aid in compaction due to realized site conditions. There is no opposition to the petition for modification as originally filed or amended.

On December 8, 2014, the Commission's Energy Division issued the Addendum to the Environmental Impact Report for the South Bay Substation Relocation Project addressing the proposed modifications to the project.<sup>1</sup>

## **2. Discussion**

General Order (GO) 131-D provides that the Commission will grant a permit to construct if a project properly qualifies for an exemption from the California Environmental Quality Act (CEQA)<sup>2</sup> or if a negative declaration or mitigated negative declaration is prepared for the project. If an environmental impact report is prepared for the project, the Commission will consider the environmental impacts of the project and the project's benefits in deciding

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<sup>1</sup> The December 2014 Addendum is hereby marked and received as reference Exhibit D.

<sup>2</sup> Public Resources (Pub. Res.) Code Section 21000 et seq.

whether to grant or deny the permit to construct. (*See* GO 131-D, Section IX.B.3 through 5.)

In addition, CEQA Guidelines § 15164 requires the lead agency (the Commission in this case) to prepare an addendum to a previously certified EIR if some changes or additions are necessary to the project, but none of the conditions calling for the preparation of a subsequent EIR have occurred. CEQA Guidelines § 15162 requires a subsequent EIR if the changes would result in new significant environmental effects or a substantial increase in the severity of the previously identified significant impacts, or if additional mitigation measures are feasible and could substantially reduce project impacts.

Special Condition 14 requires conversion of overhead electric utility distribution system facilities to underground, which is categorically exempt from CEQA pursuant to CEQA Guidelines § 15302(d). We therefore modify D.13-10-025 to allow the activities required by Special Condition 14, consistent with GO 131-D, Section IX.B.3.

The certified EIR estimated that 2.4 million gallons of water would be required over the 38-month construction period for fugitive dust suppression, soil compaction, and general construction purposes and concluded that, as the project's water demand would be temporary and short-term and as the local water supplier has a sufficient water supply to meet the project construction water supply demands, the impacts of its usage would be less than significant. The December 8, 2014, Addendum to the EIR determined that, with its protective project design features and imposition of applicable previously adopted mitigation measures, the impacts of the proposed increase of water needed for construction to 20 million gallons would be minor and less than significant. We therefore modify D.13-10-025 to allow the increase in water used for construction

from the 2.4 million gallons estimated in the EIR to 20 million gallons, consistent with GO 131-D, Section IX.B.4.

### **3. Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **4. Assignment of Proceeding**

Michel Peter Florio is the assigned Commissioner and Hallie Yacknin is the assigned Administrative Law Judge for this proceeding.

### **Findings of Fact**

1. Special Condition 14 of California Coastal Development Permit No. E-11-010 for the South Bay Substation Relocation Project requires conversion of overhead electric utility distribution system facilities to underground.

2. The certified EIR for the South Bay Substation Relocation Project determined that the impact of the usage of the originally estimated 2.4 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes would be less than significant.

3. The environmental impact of the proposed increase of water needed for construction from 2.5 million gallons to 20 million gallons is minor and less than significant.

### **Conclusions of Law**

1. The activities required by Special Condition 14 are categorically exempt from CEQA pursuant to CEQA Guidelines § 15302(d).

2. The December 2014 Addendum meets the requirements of CEQA, and there is no need to prepare a subsequent EIR pursuant to CEQA Guidelines Section 15162.

3. SDG&E should be authorized to construct the South Bay Substation Relocation Project subject to Special Condition 14 of the Coastal Development Permit No. E-11-010, and to increase its water usage for fugitive dust suppressions, soil compaction, and general construction purposes to 20 million gallons.

4. Finding of Fact 1 of D.13-10-025 should be modified as follows: The Proposed Project, modified to comply with subject to Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by D.[Insert Decision Number], would have no impact or less than significant impacts on aesthetics, agricultural resources, air quality, geology and soils, land use and planning, mineral resources, population and housing, recreation, and climate change.

5. Finding of Fact 2 of D.13-10-025 should be modified as follows: The Proposed Project, modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purpose as approved by D.[Insert Decision Number], would have impacts to biological resources, cultural resources, public health and safety, hydrology and water quality, noise, public services, and transportation and traffic, all of which can be mitigated to less than significant with the mitigation measures identified in the Mitigation Monitoring Compliance and Reporting Program (MMCRP).

6. Finding of Fact 8 of D.13-10-025 should be modified as follows: The Proposed Project, modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by D.[Insert Decision Number], and its identified mitigation measures in the MMCRP are not infeasible.

7. Finding of Fact 9 of D.13-10-025 should be modified as follows: SDG&E's undisputed Magnetic Field Management Plan (MFMP) incorporates all feasible no cost and low cost measures to reduce potential EMF impacts of the Proposed Project, modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by D.[Insert Decision Number], by phasing circuits to reduce magnetic field levels.

8. Conclusion of Law 5 of D.13-10-025 should be modified as follows: SDG&E should be granted a permit to construct the South Bay Substation Relocation Project, constructed as the Proposed Project but modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010, and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by D.[Insert Decision Number], with the mitigation identified in the MMCRP, which is attached to this decision.

9. The December 8, 2014, Addendum to the Environmental Impact Report for the South Bay Substation Relocation Project should be marked and received as reference Exhibit D.

10. This decision should be effective today.

11. A.10-06-007 should be closed.

## **O R D E R**

### **IT IS ORDERED** that:

1. San Diego Gas & Electric Company is authorized to construct the South Bay Substation Relocation Project subject to Special Condition 14 of the Coastal Development Permit No. E-11-010, and to increase its water usage for fugitive dust suppressions, soil compaction, and general construction purposes to 20 million gallons.

2. Finding of Fact 1 of D.13-10-025 is modified as follows: The Proposed Project, modified to comply with subject to Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by Decision (D.) [**Insert Decision Number**], would have no impact or less than significant impacts on aesthetics, agricultural resources, air quality, geology and soils, land use and planning, mineral resources, population and housing, recreation, and climate change.

3. Finding of Fact 2 of Decision (D.) 13-10-025 is modified as follows: The Proposed Project, modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction

purpose as approved by D.[Insert Decision Number], would have impacts to biological resources, cultural resources, public health and safety, hydrology and water quality, noise, public services, and transportation and traffic, all of which can be mitigated to less than significant with the mitigation measures identified in the MMCRP.

4. Finding of Fact 8 of Decision (D.) 13-10-025 is modified as follows: The Proposed Project, modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by D.[Insert Decision Number], and its identified mitigation measures in the MMCRP are not infeasible.

5. Finding of Fact 9 of Decision (D.) 13-10-025 is modified as follows: SDG&E's undisputed MFMP incorporates all feasible no cost and low cost measures to reduce potential EMF impacts of the Proposed Project, modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010 and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by D.[Insert Decision Number], by phasing circuits to reduce magnetic field levels.

6. Conclusion of Law 5 of Decision (D.) 13-10-025 is modified as follows: SDG&E should be granted a permit to construct the South Bay Substation Relocation Project, constructed as the Proposed Project but modified to comply with Special Condition 14 of the Coastal Development Permit No. E-11-010, and with estimated water usage of 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes as approved by D.[Insert



**Decision Number**], with the mitigation identified in the MMCRP, which is attached to this decision.

7. The December 8, 2014, Addendum to the Environmental Impact Report for the South Bay Substation Relocation Project is marked and received as reference Exhibit D.

8. This decision is effective today.

9. Application 10-06-007 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.